

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

APRIL 20, 2010

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Trevor Vance, Connie Vickery, Joes Grimm, Mark Webb, Peter Rusthoven, Jim Howard, Bart Herriman, Grant Monahan, Nelson Becker, Gretchen Gutman, John Barnett, and Greg Genrich were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the April 6, 2010 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the April 20, 2010 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR27-04897 S.R.C., INC., D/B/A GOODTIME CHARLIES – Hearing Judge Dunsmore stated this permittee was cited for failing a compliance check, which is furnishing alcohol beverage to a minor and allowing a minor to loiter. The Prosecutor made an offer to the permittee to settle this matter; however, an agreement could not be reached, so a hearing was held. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Findings of the Hearing Judge, which requires the permittee to pay a \$500.00 fine for the violations. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been

recommended by local boards and reviewed by at least two Commissioners. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Five hundred sixty-four (564) renewals approved, sixty-eight (68) new and/or transfer permits approved, nineteen (19) permits approved for catering, five (5) permits approved for first year escrow, nine (9) permits approved for second year escrow, two (2) permits approved for third year escrow, two (2) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow, and one (1) permit approved for sixth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL82-26783 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL82-26781 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL82-26807 WALGREEN CO – Commissioner Guthrie noted this is a new type 208-3 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR82-10289 JBE HOLDINGS, LLC., D.B.A ICON NIGHTCLUB – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL79-26773 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL79-26772 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL79-26770 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL45-01275 ECONOMY PACKAGE LIQUORS, INC. – Commissioner Guthrie noted this is a type 217 transfer of location with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL46-26753 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL45-26668 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie said the local board stated there is no need or desire in the community for the services and there would be a negative impact on local businesses if this permit was issued.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL45-26667 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie said the local board stated there is no need or desire in the community for the services and there would be a negative impact on local businesses if this permit was issued.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL45-26666 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie said the local board stated there is no need or desire in the community for the services and there would be a negative impact on local businesses if this permit was issued.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL45-05531 CASK N CELLAR, INC. – Commissioner Guthrie noted this is a type 217 transfer of ownership and location with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie said the local board stated there is no need or desire in the community for the services and there would be a negative impact on local businesses if this permit was issued.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfers. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-01676 F & F, INC., D/B/A DODO'S FIREHOUSE TAP – Commissioner Guthrie noted this is a type 210 renewal with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie said the local board stated this establishment has had numerous drug violations and has become a public nuisance.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL45-26792 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL45-26793 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR45-03464 ALBIN T. KLISIAK, D/B/A DIAMOND TAP/JEN'S APARTMENT – Commissioner Guthrie noted this is a type 210 renewal with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR73-26641 MICHAEL E. TINGLE, D/B/A PARTS PUB & GRILL – Commissioner Guthrie noted this is a new type 210 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the applicant repeatedly failed to appear at the local board meeting as required.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR02-23478 MISS Q'S CAFÉ, LLC – Commissioner Guthrie noted this is a type 209 renewal with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the applicant failed to appear at the local board meeting and they do not meet food sales' requirements.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-98061 LARMAC CORP. – Commissioner Guthrie stated this renewal application was denied by the Commission because the permittee did not appear at the local board meeting as required. The permittee is requesting the renewal be remanded to the local board for reconsideration.

Commissioner Guthrie spoke with the Excise officer that sits on the board. He stated the local board would have no problem reconsidering this application.

Commissioner Guthrie moved to remand this renewal to the local board. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

## **INACTIVE FILES**

INACTIVE FILES – Vice Chairman Johnson moved to make six (6) permits inactive. All six (6) permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

## **OLD BUSINESS**

INDIANA WHOLESALE TRANSFER APPLICATION – See attached transcript

## **NEW BUSINESS**

No New Business

## **POLICY DETERMINATIONS**

No Policy Determinations

## **ANNOUNCEMENTS**

MAY COMMISSION MEETING – Chairman Snow stated the Commission meeting scheduled for May 4, 2010 at 10:00 a.m., is rescheduled for May 5, 2010 at 10:00 a.m.

## **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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P. TOM SNOW, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER